IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

FRIDAY THE THIRD DAY OF SEPTEMBER TWO THOUSAND AND FOUR

: PRESENT:

THE HON'BLE MR. JUSTICE: **BILAL NAZKI**

CIVIL REVISION PETITION No. 2861 OF 2004

(Petition under Section 115 of C.P.C. to revise the order of the Court of the XVII Junior Civil Judge-cum-Principal Rent Controller, Secunderabad and passed in E.P. No. 32 of 2003 in O.S. No. 950 of 1999 dated: 22-03-2004)

Between:

M/s. Shriram Chits Pvt. Ltd., rep. by its G.P.A. Holder Mr. K.V. Ramana, S/o. Appalakonda, R/o. 44, S.D. Road, Secunderabad.

. .....Petitioner

AND

1. Smt. G. Nagalaxmi, W/o. G. Vechalam, Occ: Housewife, R/o. 1-18-32, Sri Ramnagar Colony, Alwal, Secunderabad.
2. P.B. Bhaskar Yadav, S/o. Balaiah, Occ: SSTCW Divisional Cash Office, S.C.R. Secunderabad, R/o. 1432, Risalabazar, Bolaram, Secunderabad.
3. Lazarus, S/o. A. Maullu, Occ; Development Officer, L.I.C. of India, Vikrampuri Branch, Secunderabad.
4. G.V. Chalam, S/o. G. Subba Rao, Occ: Driver, APSRTC, Jeedimetla Depot, Hyderabad, R/o. 1-18-32, Srinagar Colony, Alwal.
5. P . Yeshwanth Rao, S/o. late P. Kistaiah, Occ: Senior D' Main, Hindustan Aeronautics Ltd., (Staff No. 2945, Dept. No. 410, HAL), Hyderabad, R/o. H. No. 1-4-59, II Floor, Kalasiguda, Secunderabad.

   (Respondent No. 1, 3 & 4 are Ed Nominee Parties not necessary parties).

.....Respondents

The petition coming on for hearing, upon perusing the petition and memo of grounds filed herein and upon hearing the arguments of Mr. D. Hanumanth Rao, Advocate for the Petitioner the Court made the following

ORDER:

"Heard learned counsel for the petitioner. Nobody appears for other side. In an execution petition judgment debtors gave a cheque on 27-12-2002 for discharge of the decretal amount. The EP was accordingly disposed of. However, when the cheque was presented with the bank, it was returned for insufficiency of funds. Thereafter the decree holder moved a fresh execution petition. The Trial Court has surprisingly dismissed the application and asked the decree holder to take the remedy under Section 138 of the Negotiable Instruments Act. Since the respondents herein are not appearing the matter is not being disposed of at this stage finally and I request Mr. Vilas V. Afzul Purkar, advocate to appear as amicus curiae to assist the Court. He shall also assist this Court in examining the possibility of ordering prosecution of judgment debtors who gave the cheque to the Court, which was dishonoured, for defeating the decree. In the meantime the learned judge is directed to entertain the second EP filed by the decree holder and proceed in the matter.

Let the matter come up after two weeks".

ASSISTANT REGISTRAR

//TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The XVII Junior Civil Judge-cum-Principal Rent Controller, City Civil Court at Secunderabad.

2. P.B. Bhaskar Yadav, S/o. Balaiah, Occ: SSTCW Divisional Cash Office, S.C.R. Secunderabad, R/o. 1432, Risalabazar, Bolaram, Secunderabad.
3. P . Yeshwanth Rao, S/o. late P. Kistaiah, Occ: Senior D' Main, Hindustan Aeronautics Ltd., (Staff No. 2945, Dept. No. 410, HAL), Hyderabad, R/o. H. No. 1-4-59, II Floor, Kalasiguda, Secunderabad.
4. Mr. Vilas Afzulpurkar, Advocate, High Court of A.P., Hyderabad. (BY SPECIAL MESSENGER with a copy of petition and memo of grounds and material papers if any)
5. One spare copy.

Ksv

HIGH COURT

BNJ

DATE: 03-09-2004

NOTE: POST AFTER TWO WEEKS

ORDER

C.R.P. No. 2861 OF 2004

DIRECTION